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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,209	07/18/2003	James Robert Harold Challenger	YOR920030148US1 (163-4)	4011
24336	7590	02/13/2006	EXAMINER	
KEUSEY, TUTUNJIAN & BITETTO, P.C. 20 CROSSWAYS PARK NORTH SUITE 210 WOOBURY, NY 11797			THAI, TUAN V	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/622,209	Applicant(s) CHALLENGER ET AL.	
	Examiner Tuan V. Thai	Art Unit 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 30-32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 26-29 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Specification

1. Claims 1-29 are presented for examination. Claims 30-32 have been withdrawn due to the non-elected group of claims.

2. Applicant's election with traverse of group I, claims 1-29 in the reply filed on 1/09/2006 is acknowledged. The traversal is on the ground(s) that no serious burden would be placed on Examiner to search the subject matters of both groups of claims (Group I, claims 1-29 and Group II, claims 30-32). This is not persuasive because claims 1-29 of group I directed to a method and apparatus for constructing data object in a network environment utilizing a cache by including a fragment in an incomplete version of the object, classified in Class 711, subclass 118; whereas claims 30-32 of group II directed to a method for determining whether a set of inclusion relationships includes a cycle in a system having a plurality of fragments in loop utilizing a graph traversal techniques, classified in Class 703, subclass 1; and because the search required for one group is not coextensive with the search required for the other groups, also of their different classification and recognized divergent subject matter. The requirement is still deemed proper and is therefore made FINAL.

3. Applicant is reminded of the duty to fully disclose

information under 37 CFR 1.56.

Claims Objection

4. The following claims are objected to:

As per claim 23-25, they are objected to as being depended on the non-existing claim 22. It appears that claim 22 is missing from the current application. Correction is required.

Allowable Subject Matter

5. Claims 1-21 and 26-29 are allowed.

6. The following is an Examiner's Statement of Reasons for Allowance:

The prior art of record does not teach or suggest, alone or in combination, **all** the limitations of the independent claims of the current invention (claims 1 and 15). Particularly, the prior arts of record do not specifically disclose a method for serving data comprises maintaining at the at least one server, an incomplete version of an object; maintaining at least one fragment at the at least one server, and in response to a request for the object from a client, the server sending to the client the incomplete version of the object, at least one identifier for a fragment comprising a portion of the object, and at least one position for the fragment within the object; the client receiving the incomplete version of the object, the at least one identifier, and the at least one position; the client requesting the at least one fragment from the at least

one server using the at least one identifier; and the client constructing the object by including the at least one fragment in the incomplete version of the object in a location specified by the at least one position. In light of the foregoing, claims 1 and 15 of the present application are found to be patentable over the prior arts.

Claims 2-14, 16-21 and 26-29 further limit the allowable independent claims 1 and 15. These claims are therefore allowable for the same reason as set forth above.

7. This application is in condition for allowance except for the following formal matters:

The objections to the claims as noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

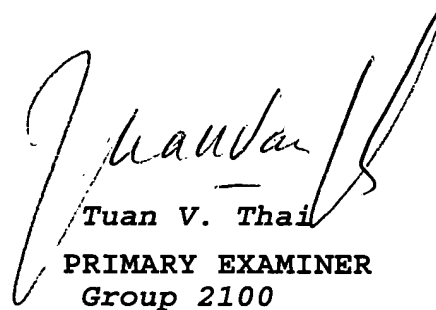
A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/January 31, 2006



Tuan V. Thai
PRIMARY EXAMINER
Group 2100